



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/582,386

06/09/2006

Ken Yamashita

2006-0911A

2821

52349

7590

06/23/2009

WENDEROTH, LIND & PONACK L.L.P.

1030 15th Street, N.W.

Suite 400 East

Washington, DC 20005-1503

EXAMINER

ZAHR, ASHRAF A

ART UNIT

PAPER NUMBER

2175

MAIL DATE

DELIVERY MODE

06/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,386	Applicant(s) YAMASHITA ET AL.	
	Examiner ASHRAF ZAHR	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the final action for application 10/582386. Claims 19-22 are pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claims 19-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 19-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding Claims 19-21, the instant claim language does not specify that the claimed invention includes hardware. As such, the language of the claim merely describes a computer program per se. This raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine, which would result in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 USC 101.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 19-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Hourvitz et al., US 5,388,201 (Hereinafter, Hourvitz) in view of Cache Replacement Algorithms, The International Series in Engineering and Computer Science, 2004, Springer Netherlands, Volume 772, pages 61-72 (Hereinafter, Cache Replacement).

Regarding Claim 19, Hourvitz discloses “a display screen management apparatus for controlling a screen resource that is required to display a screen on a display, the display screen management apparatus comprising: an instruction section receiving an instruction to switch a screen currently displayed on the display to another screen”. Specifically, window A is partially obscured by window b (Hourvitz, col 3, ln 13-33).

Hourvitz discloses “and a screen control section for, when it is determined that the currently displayed screen is hidden by the another screen”. Specifically, window A is partially obscured by window b (Hourvitz, col 3, ln 13-33).

Hourvitz discloses “displaying the another screen on the display without discarding the screen resource of the currently displayed screen”. Specifically,

Art Unit: 2175

the obscured region is drawn into the backing store buffer (Hourvitz, col 3, ln 13-33).

Cache Replacement discloses “and when the currently displayed screen is in a resident state indicating that the currently displayed screen has a high frequency of display”. Specifically, Cache Replacement discloses the least frequently used (LFU) cache algorithm. It would be obvious to one of ordinary skill in the art at the time of the invention to use an LFU algorithm. The motivation to do so would be to evict the least frequently used screens from the memory in order to keep the most frequently used screens in the memory (Cache Replacement, pg 61).

Regarding Claim 20, Cache Replacement discloses “the display screen management apparatus according to claim 19, wherein, when it is determined that the currently displayed screen is hidden by the another screen and that the currently displayed screen is not in the resident state, and when a display time, from when the another screen that is displayed on the display to when the another screen is in to a non- displayed state, is shorter than a predetermined time, the screen control section does not discard the screen resource of the currently displayed screen”. Specifically, Cache Replacement discloses the least frequently used (LFU) cache algorithm. It would be obvious to one of ordinary skill in the art at the time of the invention to use an LFU algorithm. The motivation to do so would be to evict the least frequently used screens from the

Art Unit: 2175

memory in order to keep the most frequently used screens in the memory (Cache Replacement, pg 61).

Regarding Claim 21, Hourvitz discloses “the display screen management apparatus according to claim 19, wherein, when it is determined that the currently displayed screen is hidden by the another screen and when it is determined that by causing at least a portion of the another screen to be transparent, the currently displayed screen is not hidden by the another screen, the screen control section displays the another screen on the display without discarding the screen resource of the currently displayed screen”. Specifically, since the other screen is transparent and does not obscure the displayed screen, then the currently displayed screen remains in the frame buffer (Hourvitz, col 2, ln 15-33).

Regarding Claim 22, this claim is substantially similar to claim 19 and is therefore rejected based upon the same reasoning used to reject claim 19.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is

Art Unit: 2175

filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHRAF ZAHR whose telephone number is (571)270-1973. The examiner can normally be reached on M-F 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571)272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2175

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAZ 6/16/09

/Ting Zhou/
Primary Examiner, Art Unit 2173